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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,224	01/27/1999	MARK CHARLES BEUTNAGEL	BEUTNAGLE-3-	6579

7590 11/27/2001

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/238,224

Applicant(s)

Beutnegal et al

Examiner

Michael N. Opsasnick

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the relationships between each claimed symbol. Examiner realizes that the claim language is in the form a computer language program listing, and as such are replete with grammatical and idiomatic errors. Examiner notes that these claims are vague and indefinite and cannot be reasonably interpreted so as to be examined with respect to prior art.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (6088673).

As per claim 1, Lee et al (6088673) teaches a first step including in said signal a plurality of phoneme symbols (as phoneme symbols col. 5, lines 42-54); a second step including in said signal a desired duration of each of said phoneme symbols (col. 5 lines 53-55); a third step including at least one of said phonemes at a time offset from the beginning of the duration of said phoneme that is greater than zero less than the duration of said phoneme (as offsets from beginning of sentence which starts on the phoneme level, col. 6 lines 5-50);

As per claim 2, Lee et al (6088673) teaches pitch parameters (col. 7 line 65);

As per claim 3, Lee et al (6088673) teaches energy parameters (col. 7 line 65)

As per claim 4, Lee et al (6088673) teaches target values for both pitch and energy (col. 7 line 65)

As per claim 5, Lee et al (6088673) teaches no prosody parameter targets specified for the beginning of the durations of said at least some of the phonemes, wherein prosody information is presumed (col. 7 lines 54-60)

As per claim 6, Lee et al (6088673) teaches timing of prosody parameter specs are expressed in phoneme duration (col. 8 lines 12-15)

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As per claim 7, Lee et al (6088673) teaches target specs in terms of offsets from the beginning of the sentence (col. 5 line 63 - col. 6 line 5), wherein the sentence start is determined on the phoneme level (col. 6 lines 40-50)

As per claim 8, Lee et al (6088673) teaches the whole utterance having target specs (col. 7 lines 54-60), wherein the utterances contain voiced, unvoiced, and silent sounds.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eide et al (6101470) teaches the claim limitations of claims 1-9 pertaining to a TTS system wherein prosody information includes pitch, energy, phoneme durations, and energy (Fig. 2), time alignment (Fig. 3), adjusting duration (Fig. 4).

Sharman (5682501)

Buchsbaum et al (6038533)

Farrett (5636325)

Malsheen et al (4979216)

Yang et al (5970459)

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Kagoshima et al (6240384)

Lee et al ("The Synthesis Rules in a Chinese Text to Speech System")

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone number for this group is (703)308-6306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

November 13, 2001

mno

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.